



**House Bill No. 7501**

**January 6 Special Session, Public Act No. 03-1**

**(Enacted by the 2001-2002 General Assembly)**

**AN ACT REPEALING LAS VEGAS NIGHT GAMES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 53-278a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in sections 53-278a to 53-278g, inclusive:

- (1) "Gain" means the direct realization of winnings; "profit" means any other realized or unrealized benefit, direct or indirect, including without limitation benefits from proprietorship, management or unequal advantage in a series of transactions;
- (2) "Gambling" means risking any money, credit, deposit or other thing of value for gain contingent in whole or in part upon lot, chance or the operation of a gambling device, including the playing of a casino gambling game such as blackjack, poker, craps, roulette or a slot machine, but does not include: Legal contests of skill, speed, strength or endurance in which awards are made only to entrants or the owners of entries; legal business transactions which are valid under the law of contracts; activity legal under the provisions of sections 7-169 to [7-186] 7-186, inclusive; any lottery or contest conducted by or under the authority of any state of the United States, Commonwealth of Puerto Rico or any possession or territory of the United States; and other acts or transactions expressly authorized by law on or after October 1, 1973;
- (3) "Professional gambling" means accepting or offering to accept, for profit, money, credits, deposits or other things of value risked in gambling, or any claim thereon or interest therein. Without limiting the generality of this definition, the following shall be included: Pool-selling and bookmaking; maintaining slot machines, one-ball machines or variants thereof, pinball machines, which award anything other than an immediate

and unrecorded right of replay, roulette wheels, dice tables, or money or merchandise pushcards, punchboards, jars or spindles, in any place accessible to the public; and except as provided in sections 7-169 to [7-186] 7-186, inclusive, conducting lotteries, gift enterprises, disposal or sale of property by lottery or hazard or policy or numbers games, or selling chances therein; and the following shall be presumed to be included: Conducting any banking game played with cards, dice or counters, or accepting any fixed share of the stakes therein;

(4) "Gambling device" means any device or mechanism by the operation of which a right to money, credits, deposits or other things of value may be created, as the result of the operation of an element of chance; any device or mechanism which, when operated for a consideration, does not return the same value or thing of value for the same consideration upon each operation thereof; any device, mechanism, furniture or fixture designed primarily for use in connection with professional gambling; and any subassembly or essential part designed or intended for use in connection with any such device, mechanism, furniture, fixture, construction or installation, provided an immediate and unrecorded right of replay mechanically conferred on players of pinball machines and similar amusement devices shall be presumed to be without value. "Gambling device" does not include a crane game machine or device or a redemption machine;

(5) "Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made, used or intended to be used in connection with professional gambling;

(6) "Gambling information" means a communication with respect to any wager made in the course of, and any information intended to be used for, professional gambling. Information as to wagers, betting odds or changes in betting odds shall be presumed to be intended for use in professional gambling;

(7) "Gambling premise" means any building, room, enclosure, vehicle, vessel or other place, whether open or enclosed, used or intended to be used for professional gambling. Any place where a gambling device is found shall be presumed to be intended to be used for professional gambling, except a place wherein a bazaar or raffle for which a permit has been issued under sections 7-170 to 7-186, inclusive, or bingo for which a permit has been issued under section 7-169 [or games of chance for which a permit has been issued under sections 7-186a to 7-186l, inclusive,] is to be conducted;

(8) "Person" includes natural persons, partnerships, limited liability companies and associations of persons, and corporations; and any corporate officer, director or stockholder who authorizes, participates in or knowingly accepts benefits from any violation of sections 53-278a to 53-278g, inclusive, committed by his corporation;

(9) "Peace officer" means a municipal or state police officer or chief inspector or inspector in the Division of Criminal Justice or state marshal while exercising authority granted under any provision of the general statutes or judicial marshal in the performance of the duties of a judicial marshal;

(10) "Court" means the Superior Court;

(11) "Crane game machine or device" means a machine or device (A) that is designed and manufactured only for bona fide amusement purposes and involves at least some skill in its operation, (B) that rewards a winning player exclusively with merchandise contained within the machine or device and such merchandise is limited to noncash prizes, toys or novelties each of which has a wholesale value not exceeding ten dollars or ten times the cost of playing the machine or device, whichever is less, (C) the player of which is able to control the timing of the use of the claw or grasping device to attempt to pick up or grasp a prize, toy or novelty, (D) the player of which is made aware of any time restrictions that the machine or device imposes on the player to maneuver the claw or grasping device into a position to attempt to pick up or grasp a prize, toy or novelty, and (E) the claw or grasping device of which is not of a size, design or shape that prohibits the picking up or grasping of a prize, toy or novelty contained within the machine or device;

(12) "Redemption machine" means an amusement device operated by one or more players that involves a game the object of which is throwing, rolling, bowling, shooting, placing or propelling a ball or other object into, upon or against a hole or other target and that rewards the player or players with tickets, tokens or other noncash representations of value redeemable for merchandise prizes, provided (A) the outcome of the game is predominantly determined by the skill of the player, (B) the award of tickets, tokens or other noncash representations of value is based solely on the player's achieving the object of the game or on the player's score, (C) only merchandise prizes are awarded, (D) the average wholesale value of the prizes awarded in lieu of tickets or tokens for a single play of the machine does not exceed ten dollars or ten times the cost of a single play of the machine, whichever is less, and (E) the redemption value of each ticket, token or other noncash representation of value that may be accumulated by a player or players to redeem prizes of greater value does not exceed the cost of a single play of the machine.

Sec. 2. Subsection (d) of section 53-278c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Except as provided in subsection (e), any person who knowingly owns, manufactures, possesses, buys, sells, rents, leases, stores, repairs or transports any gambling device, or offers or solicits any interest therein, except in connection with a permit under sections 7-169 to [7-186] 7-186, inclusive, whether through an agent or

employee or otherwise shall be guilty of a class A misdemeanor. Subsection (b) of this section shall have no application in the enforcement of this subsection.

Sec. 3. Section 7-169h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For the purposes of this section:

(1) "Executive director" means the executive director of the Division of Special Revenue within the Department of Revenue Services who shall be responsible for the regulation of the distribution and sale of sealed tickets in the state;

(2) "Division" means the Division of Special Revenue within the Department of Revenue Services;

(3) "Sealed ticket" means a card with tabs which, when pulled, expose pictures of various objects, symbols or numbers and which entitles the holder of the ticket to receive a prize if the combination of objects, symbols or numbers pictured matches what is determined to be a winning combination.

(b) No person shall sell, offer for sale or distribute a sealed ticket who has not applied for and received a permit from the division to sell sealed tickets.

(c) (1) On and after October 1, 1987, the division may issue a permit to sell sealed tickets to any organization or group specified in subsection (d) of section 7-169 which holds a bingo permit issued in accordance with the provisions of section 7-169. Such permit shall be renewed annually.

(2) The division may issue a permit to sell sealed tickets to any organization or group specified in subsection (d) of section 7-169 which holds a club permit or nonprofit club permit under the provisions of chapter 545. Such permit shall be renewed annually.

(3) The division may issue a permit to sell sealed tickets to any organization or group specified in section 7-172 which holds a permit to operate a bazaar, issued in accordance with the provisions of sections 7-170 to 7-186, inclusive.

[(4) The division may issue a permit to sell sealed tickets to any charitable, civic, educational, fraternal, veterans' or religious organization, volunteer fire department, grange or political party or town committee thereof which holds a permit to operate games of chance, issued in accordance with the provisions of sections 7-186a to 7-186p, inclusive. ]

(d) Permittees shall purchase sealed tickets from the division at a cost which is equal to ten per cent of their resale value.

(e) Notwithstanding the provisions of subsection (b) of section 53-278b and subsection (d) of section 53-278c, sealed tickets may be sold, offered for sale, displayed or open to public view only (1) during the course of a bingo game conducted in accordance with the provisions of section 7-169 and only at the location at which such bingo game is conducted, (2) on the premises of any such organization or group specified in subdivision (2) of subsection (c) of this section, or (3) during the conduct of a bazaar under the provisions of sections 7-170 to 7-186, inclusive, ], or (4) during the operation of games of chance under the provisions of sections 7-186a to 7-186p, inclusive. ] Permittees may utilize a mechanical or electronic ticket dispensing machine approved by the division to sell sealed tickets. Sealed tickets shall not be sold to any person less than eighteen years of age. All proceeds from the sale of tickets shall be used for a charitable purpose as defined in section 21a-190a.

(f) The fee for a permit to sell sealed tickets (1) issued to an organization authorized to conduct bingo under a "Class A" permit shall be fifty dollars, (2) issued to an organization which holds a club permit or nonprofit club permit under the provisions of chapter 545 shall be seventy-five dollars, and (3) issued to an organization authorized to conduct bingo under a "Class B" permit or an organization which holds a permit to operate a bazaar [or games of chance] shall be five dollars per day.

(g) The executive director, with the advice and consent of the Gaming Policy Board, shall adopt regulations in accordance with the provisions of chapter 54 to carry out the purposes of this section including, but not limited to, regulations concerning (1) qualifications of a charitable organization, (2) the price at which the charitable organization shall resell tickets, (3) information required on the ticket, including, but not limited to, the price per ticket, (4) the percentage retained by the organization as profit, which shall be at least ten per cent of the resale value of tickets sold, (5) the percentage of the resale value of tickets to be awarded as prizes, which shall be at least forty-five per cent, (6) apportionment of revenues received by the division from the sale of tickets, and (7) investigations of any charitable organization seeking a permit.

(h) (1) Whenever it appears to the executive director of the Division of Special Revenue after an investigation that any person is violating or is about to violate any provision of this section or administrative regulations issued pursuant thereto, the executive director may in his discretion, to protect the public welfare, order that any permit issued pursuant to this section be immediately suspended or revoked and that the person cease and desist from the actions constituting such violation or which would constitute such violation. After such an order is issued, the person named therein may, within fourteen days after receipt of the order, file a written request for a hearing. Such hearing shall be held in accordance with the provisions of chapter 54.

(2) Whenever the executive director finds as the result of an investigation that any person has violated any provision of this section or administrative regulations issued pursuant thereto or made any false statement in any application for a permit or in any

report required by the executive director, the executive director may send a notice to such person by certified mail, return receipt requested. Any such notice shall include (A) a reference to the section or regulation alleged to have been violated or the application or report in which an alleged false statement was made, (B) a short and plain statement of the matter asserted or charged, (C) the fact that any permit issued pursuant to this section may be suspended or revoked for such violation or false statement and the maximum penalty that may be imposed for such violation or false statement, and (D) the time and place for the hearing. Such hearing shall be fixed for a date not earlier than fourteen days after the notice is mailed.

(3) The executive director shall hold a hearing upon the charges made unless such person fails to appear at the hearing. Such hearing shall be held in accordance with the provisions of chapter 54. If such person fails to appear at the hearing or if, after the hearing, the executive director finds that such person committed such a violation or made such a false statement, the executive director may, in his discretion, suspend or revoke such permit and order that a civil penalty of not more than two hundred dollars be imposed upon such person for such violation or false statement. The executive director shall send a copy of any order issued pursuant to this subdivision by certified mail, return receipt requested, to any person named in such order.

(4) Whenever the executive director revokes a permit issued pursuant to this section, he shall not issue any permit to such permittee for one year after the date of such revocation.

Sec. 4. Section 7-185a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Notwithstanding the provisions of sections 7-170 to 7-186, inclusive, and the regulations adopted thereunder, any organized church, volunteer fire company or veterans organization or association conducting a bazaar or raffle, (1) may have the actual drawing of the raffle in a municipality other than the municipality which grants the permit, provided the chief executive officer of the other municipality has in writing approved such drawing; (2) may conduct the bazaar in a municipality other than the municipality which grants the permit, provided the municipality in which the bazaar is to be conducted has adopted the provisions of sections 7-170 to 7-186, inclusive, and the chief executive officer of such municipality has in writing approved such bazaar; (3) may be permitted to redeem prizes in cash; (4) shall be exempt from the requirement of preserving unsold raffle tickets beyond ninety days after the conclusion of the holding, operating and conducting of such bazaar or raffle and shall be permitted to dispose of unclaimed prizes after such ninety days; and (5) may file a reconciliation of expenditures and receipts signed by an officer in lieu of an accountant.

(b) Notwithstanding the provisions of sections 7-170 to 7-186, inclusive, and the regulations adopted thereunder, any sponsoring organization qualified to conduct a

bazaar or raffle under the provisions of section 7-172 and recognized as a nonprofit organization under the provisions of Section 501(c) (3) of the federal Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, may have the actual drawing of the raffle in a municipality other than the municipality which grants the permit, provided the chief executive officer of the other municipality has in writing approved such drawing.

[(c) Notwithstanding the provisions of section 7-177, any organization or group specified in section 7-172 conducting a bazaar may award cash prizes which shall not exceed twenty-five dollars each in connection with the playing of a "money-wheel" game. ]

[(d)] (c) Notwithstanding the provisions of section 7-177, any organization conducting a bazaar may operate "fifty-fifty" coupon games each day of a permitted bazaar event and may award cash prizes of fifty per cent of "fifty-fifty" coupon game sales for each coupon drawing conducted. Not more than three scheduled drawings may be held on any day on which a bazaar is permitted. A "fifty-fifty" coupon game shall be operated from an authorized bazaar booth, subject to the regulation of the executive director of the Division of Special Revenue and shall allow for the sale of "fifty-fifty" coupons at a predetermined uniform price. Each "fifty-fifty" coupon shall be consecutively numbered and shall have a correspondingly numbered stub. Each sponsoring organization shall provide different colored coupons for each drawing and shall award one prize for each drawing held. Each organization conducting such games shall conspicuously post, at each bazaar booth at which such games are conducted, a notice or notices which shall include the dates, times and places of any "fifty-fifty" coupon drawings, as well as the prices and colors of coupons to be sold for each drawing. The executive director shall prescribe the form of such notice which shall contain the following statement: "Holders of coupons must be present to claim a prize. " Each such organization shall account for each coupon printed and sold for each drawing and shall announce the amount of sales and the prize to be awarded immediately prior to each drawing. The sponsoring organization shall preserve all sold and unsold coupons or stubs for a period of at least one year from the date of the verified statement required pursuant to section 7-182. At the conclusion of a bazaar, each organization conducting such games, and its members who were in charge thereof, shall furnish to the chief of police of the municipality or to the first selectman, as the case may be, a verified statement, prescribed by the executive director of the Division of Special Revenue, in duplicate, showing (1) the total number of coupons purchased and sold for each "fifty-fifty" coupon game drawing, and (2) the total number and amount of prizes awarded and the names and addresses of the persons to whom the prizes were awarded. Such report shall be furnished during the next succeeding month. The chief of police or first selectman, as the case may be, shall forward the original copy of such report to the executive director, who shall keep it on file and available for public inspection for a period of one year thereafter. Such report shall be certified to under penalty of false statement by the three persons designated in the permit application as being responsible for the bazaar.

[(e)] (d) Notwithstanding the provisions of section 7-177, any sponsoring organization qualified to conduct a bazaar or raffle under the provisions of section 7-172 may operate a cow-chip raffle once a calendar year and, pursuant to a "Class No. 1", "Class No. 2" or "Class No. 4" permit, may award cash prizes in connection with participation in such a raffle, in addition to those prizes authorized pursuant to section 7-177. Such raffles shall conform to the provisions of sections 7-170 to 7-186, inclusive, and shall be subject to regulation by the executive director of the Division of Special Revenue. A cow-chip raffle shall allow for the sale of consecutively numbered tickets with correspondingly numbered stubs, entitling the holders of such tickets to the temporary possession of a plot of land for purposes of the conduct of the cow-chip raffle. Each organization intending to sponsor or conduct a cow-chip raffle shall furnish with its application, required pursuant to section 7-173, a cow-chip raffle plot plan displaying the land area to be utilized for such raffle and the numbered plots, each corresponding to a numbered cow-chip raffle ticket. Each such organization conducting a cow-chip raffle shall provide for a suitable land area on which the cow-chip raffle activity is to be conducted. The area shall be sufficiently enclosed so as to confine any animal utilized in the conduct of a cow-chip raffle during the period in which the animal is so utilized. The area shall be adequately marked so as to display the number of plots to be utilized, which shall correspond to the number of cow-chip raffle tickets to be sold. The manner in which winners in a cow-chip raffle are determined shall be clearly stated prior to the commencement of a cow-chip raffle drawing and each sponsoring organization shall conspicuously post an information board, prescribed by the executive director of the Division of Special Revenue, which shall display the consecutively numbered plots of the cow-chip raffle event. A cow-chip raffle drawing shall commence at a designated time and shall continue until all winners of authorized prizes have been determined. No person may feed, lead or handle any animal utilized in a cow-chip raffle once the animal has entered into the enclosed area from which winners will be determined. Each organization conducting a cow-chip raffle shall deposit all proceeds from the conduct of such raffle in a special checking account established and maintained by such organization which shall be subject to audit by the Division of Special Revenue. Any expense incidental to the conduct of such raffle shall be paid from the gross receipts of cow-chip raffle tickets and only by checks drawn from such checking account. All cash prizes awarded shall be paid from such checking account.

[(f)] (e) Notwithstanding the provisions of sections 7-170 to 7-186, inclusive, and the regulations adopted thereunder, any organization conducting a bazaar may operate a "teacup raffle" and may award prizes consisting of merchandise not exceeding one hundred dollars each in value through the sale of chances. No such organization may conduct more than one scheduled "teacup raffle" drawing for all prizes offered on any day on which a bazaar is permitted. A "teacup raffle" shall be operated from an authorized bazaar booth, and shall be subject to regulation by the executive director of the Division of Special Revenue. Each "teacup raffle" ticket shall be consecutively numbered and have a correspondingly numbered stub which shall include the name, address and telephone number of the purchaser. Each sponsoring organization



conducting such raffle shall conspicuously post, at each bazaar booth at which such raffle is conducted, a notice or notices which shall include the date and time of any "teacup raffle" drawing. The sponsoring organization shall preserve all sold and unsold tickets or stubs for a period of at least one year from the date of the verified statement required pursuant to section 7-182.

[(g)] (f) (1) Any sponsoring organization qualified to conduct a bazaar or raffle under the provisions of section 7-172 may operate a duck-race raffle once each calendar year. Such raffles shall conform to the provisions of sections 7-170 to 7-186, inclusive, and shall be subject to regulation by the executive director. For the purpose of this subsection, "duck-race raffle" means a raffle in which artificial ducks, numbered consecutively to correspond with the number of tickets sold for such raffle, are placed in a naturally moving stream of water at a designated starting point and in which the ticket corresponding to the number of the first duck to pass a designated finishing point is the winning ticket. (2) The executive director of the Division of Special Revenue, with the advice and consent of the Gaming Policy Board, shall adopt regulations, in accordance with chapter 54, that establish procedures for the operation of duck-race raffles.

Sec. 5. Section 12-564a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The executive director of the Division of Special Revenue shall submit a report to the Commissioner of Public Safety and the joint standing committee of the General Assembly having cognizance of matters relating to [games of chance and] legalized gambling, not later than the fifteenth business day of each month, which report shall set forth a detailed statement of (1) any investigations conducted by the Division of Special Revenue in the previous month, and (2) such arrest data as the commissioner or committee may require, including, but not limited to, the number of arrests made by the special policemen in the security unit of the Division of Special Revenue.

Sec. 6. (*Effective from passage*) Any permit or registration issued pursuant to sections 7-186a to 7-186q, inclusive, of the general statutes, revised to January 1, 2001, shall terminate on the effective date of this section. The Division of Special Revenue shall refund any permit or registration fees paid by any person, firm or organization that applied for a permit or registration pursuant to said sections which permit or registration is terminated pursuant to the provisions of this section.

Sec. 7. (*Effective from passage*) Sections 7-186a to 7-186q, inclusive, of the general statutes are repealed.

Approved January 7, 2003